

R E M A R K S

By this Amendment claim 11 has been corrected. Entry is requested.

In the outstanding final Office Action the examiner has again rejected claims 1-23 under 35 U.S.C. 102(b) as being anticipated by Branemark.

The applicants are surprised that the examiner has repeated this rejection. They truly believe it is incorrect.

Branemark discloses a substantially or mainly cylindrical¹ anchoring element for implantation in bone tissue to support prosthesis such as artificial joint components, tooth bridges, artificial teeth, etc. The fixation portion at the basis and the fixation portion at the apex can be at least partially threaded and have different diameters (page 2, lines 33-37). A non-threaded middle zone can separate the threaded portions of the end parts (page 2, lines 40-41).

Nowhere in this reference are the terms "conical," "truncated cone" or "frustoconical" found.

The applicants assert that the fixation portion of Branemark is not in the form of a truncated cone. An argument to this effect was made to the examiner during a telephone call on March 9, 2010. He asked that the arguments be presented in writing for further consideration.

¹ See page 2, lines 33-34 and page 3, line 44. According to claim 1, the anchoring element is "essentially cylindrical."

The term "substantially cylindrical" in Branemark must be interpreted as defining an object that is cylindrical over the major part of the extension of the object, but may allow for smaller portions which are not cylindrical, for example when the object is provided with threads. The term "substantially cylindrical" can also be considered to cover cases where the object, due to inaccuracies in the production process, deviates marginally from the cylinder shape. However, a cone, or a truncated cone, is qualitatively distinguished from being cylindrical and does not fall within in the term "substantially cylindrical" or "essentially cylindrical." A truncated cone is not cylindrical. Thus, anchoring element defined in applicants' claim 1 cannot be considered to be anticipated by Branemark. The advantageous effects of the anchoring element as claimed in claim 1 can be found in the specification of the present application.

Branemark discloses slits 7, 8 at the apex of the anchoring element. However, he does not disclose a recess with a distinct edge providing a groove forming cutting unit which is included in the threaded fixation portion disposed at the basis of the anchoring element as claimed in applicants' claim 11. Thus, dental anchoring element defined in applicants' claim 11 cannot be considered to be anticipated by Branemark. The advantageous effects of the anchoring element as claimed in claim 11 can be found in the specification of the present application.

In Branemark the fixation portion disposed at the apex does not have the form of a truncated cone. It cannot be concluded from Fig. 3

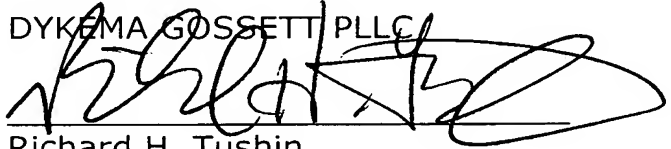
that the fixation portion disposed at the apex has the form of a truncated cone, and nowhere in the text of the specification of Branemark is this mentioned. Thus, the dental anchoring element defined in applicants' claim 18 cannot be considered to be anticipated by Branemark. The arguments in connection with amended claim 1 also apply to claim 18. Nor does Branemark describe an anchoring element which in all, or entirely, has the form of a truncated cone.

The examiner's anticipation rejection based on 35 U.S.C. 102(b) should be withdrawn and the presented claims allowed.

Respectfully submitted,

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